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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA, Plaintiff, v. WILLIAM CLYDE ALLEN, III, Defendant.	Case No. 1:18-CR-86-DS MOTION FOR LEAVE TO DISMISS FELONY INDICTMENT Judge David Sam
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Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States, by and through the undersigned Assistant United States Attorney, hereby moves for leave to dismiss without prejudice the felony indictment against William Clyde Allen, III.

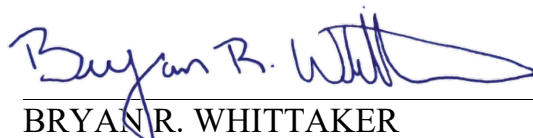
The basis for the Motion is that the Court has held that the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to assist properly in his defense. *See* Doc. No. 47. Additionally, after further evaluation, a Forensic Evaluation for the defendant was issued by officials at United States Medical Center for Federal Prisoners - Springfield which opined that the defendant's mental condition had not so improved as to permit proceedings to go forward

and that it was unlikely that he would be restored to competency within the foreseeable future. *Id.* The Court accepted these uncontroverted Forensic Evaluation's findings and opinion as fact. *Id.*

Therefore, because the defendant is suffering from a mental disease that has rendered him incompetent and it is unlikely that he can be restored to competency, the United States requests that the Court grant leave to dismiss without prejudice the pending felony indictment.

DATED January 21, 2022.

ANDREA T. MARTINEZ
United States Attorney


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